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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

PACIFIC NORTHWEST SOLAR,
LLC,

Plaintiff,

v.

NORTHWESTERN CORPORATION,
A DELAWARE CORPORATION
DBA NORTHWESTERN ENERGY,

Defendant.

NOTICE OF REMOVAL

TO: Pacific Northwest Solar, LLC, Plaintiff; Ryan R. Shaffer, Meyer, Shaffer & Stepan, PLLP, Plaintiff's Attorney; and Nancy Sweeney, Lewis & Clark County Clerk of District Court

1. On or about November 16, 2016, Plaintiff filed a civil action against Defendant in the First Judicial District Court, Lewis & Clark County. Copies of the Civil Cover Sheet and Complaint are attached hereto as Exhibits A & B.

2. The removing party is the named Defendant in the above-entitled action.

3. On or about November 30, 2016, Plaintiff, through its counsel, inquired if Defendant NorthWestern Corporation's counsel would agree to accept service on Defendant's behalf.

4. Defendant NorthWestern Corporation, through its attorney, accepted service of Plaintiff's Complaint on December 2, 2016. A copy of the acceptance is attached hereto as Exhibit C.

5. This action is one over which the Court has original jurisdiction pursuant to 28 U.S.C. § 1332, because it is a civil action between citizens of different states there is more than \$75,000 in dispute, and it is removable pursuant to 28 U.S.C. § 1441. Plaintiff is a citizen of the State of Oregon. Defendant NorthWestern Corporation is a Delaware corporation with its principal place of business in Sioux Falls, South Dakota. For the purposes of removal, NorthWestern Corporation is a citizen of a state other than Montana. 28 U.S.C. § 1332(c)(1); *see*

also *Amsk v. NorthWestern Corp.*, No. CV 15-49-H-CCL, 2016 U.S. Dist. LEXIS 29583 (Mar. 8, 2016) (Doc. 18).

6. Defendant is filing this Notice within 30 days of knowledge and service of the Complaint as required by 28 U.S.C. § 1446.

7. Defendant has sent a copy of this Notice of Removal to the Clerk of Court, Montana First Judicial District Court, Lewis & Clark County, for filing pursuant to 28 U.S.C. § 1446(d), along with a letter requesting the Clerk take all necessary steps incident to removal to Federal Court.

8. Defendant has served written notice on opposing counsel of the filing of this Notice of Removal, and copies of this Notice of Removal have been served on opposing counsel pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant NorthWestern Corporation respectfully requests that the above-entitled action now pending against it in the First Judicial District Court, Lewis & Clark County, be removed to this Court.

DATED this 23rd day of December, 2016.

/s/ Kathleen L. DeSoto

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2016, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>1</u>	Mail
<u>2</u>	Overnight Delivery Service
_____	Fax (include fax number in address)
<u>1</u>	E-Mail (include email in address)

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/s/ Kathleen L. DeSoto
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